



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,048	03/23/2001	George Harry Hoffman	41556/04008 (RSIIP021)	6017

22428 7590 06/25/2004

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
----------

ZEENDER, FLORIAN M

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/816,048

Applicant(s)

HOFFMAN ET AL.

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04282004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. in view of the cited "Production and Operations Management" manual and Haluska '519.

Shavit et al. disclose, or inherently teach, all of the limitations of the claims including: supply chain communication between independent stores, distributors, suppliers, and third party agents using a network interface including the Internet; and further teach an alert feature when a discrepancy is discovered (See for example, Col. 7, lines 47-57).

Shavit et al. lacks the specific teaching of: receiving sales data from suppliers, receiving gross purchase data from distributors, receiving sales data from stores, electronically comparing data to discover a discrepancy.

The manual discloses a manager's responsibilities in managing a supply chain and specifically teaches on page 599 (2<sup>nd</sup> complete paragraph) that firms often include "actual point-of-sale data" in EDI (Electronic Data Interchange).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shavit et al. to have the supply chain management computer receive sales data from suppliers, to have the supply chain management computer receive gross purchase data, and to have the supply chain management computer receive sales data from stores, in view of the cited "Production and Operations Management"

manual, in order to "lower production costs through lower buffer inventories and more efficient scheduling" (Production and Operations Management, page 599, lines 18-19).

Haluska teaches a method for electronically controlling and tracking information related to business transactions including immediate recording and sharing of any pricing or quantity discrepancy information (See for example Col. 3, lines 63-65; and Col. 2, lines 48-65).

It would have been further obvious to one of ordinary skill in the art to modify Shavit et al. to electronically compare data to discover a discrepancy, in view of Haluska, in order to avoid "the time lag inherent in human processing" (See Haluska, Col. 5, line 51).

### ***Response to Arguments***

Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection. However, the Examiner will attempt to address some of the applicant's concerns.

On page 7, third full paragraph, of the response, the applicant argues that the Production and Operations Manual "does not disclose the concept of an independent supply chain manager in the context of a supply chain made up of a large plurality of independent members". However, the Manual does not state that the participants of the supply chain are not independent. It is obvious that the participants could be independent. Regardless, Shavit et al. teach the limitation of independence as well as the use of independent managers (i.e., agents and third parties) for providing services as is well known in the art.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9327 for after-final communications.

Application/Control Number: 09/816,048

Page 5

Art Unit: 3627

F. Zeender

Primary Examiner, A.U. 3627

June 11, 2004

 6/4/04